

CITY OF SANTA BARBARA PLANNING COMMISSION

RESOLUTION NO. 017-05
518 GARDEN & 321 E. HALEY STREETS
PARKING MODIFICATION, DEVELOPMENT PLAN APPROVAL,
AND COMMUNITY PRIORITY SQUARE FOOTAGE
MARCH 10, 2005

APPLICATION OF PETE EHLEN (ARCHITECT), AGENT FOR PLANNED PARENTHOOD (PROPERTY OWNER), 518 GARDEN & 321 E. HALEY STREETS, 031-211-028,-029, C-M, COMMERCIAL MANUFACTURING ZONE, GENERAL PLAN DESIGNATION: INDUSTRIAL (MST1999-00916)

The proposed project consists of a 2,183 square foot second floor addition to the existing building at 518 Garden Street (031-211-028), enclosing an outdoor patio area on the second floor, and reconfiguration of the existing parking lot to increase by one space, resulting in a total of 26 parking spaces. The project also consists of construction of a new three-story 6,419 square foot office building on the same parcel as the existing building. An additional 30 parking spaces are proposed on the adjacent parcel located at 321 E. Haley Street (031-211-029); the existing building is proposed to be demolished to make way for the parking lot. The subject parcels are proposed to be merged.

The discretionary applications required for this project are:

- 1. A <u>Modification</u> to provide less than the required number of parking spaces (SBMC § 28.90.100);
- 2. <u>Development Plan Approval</u> for 8,602 square feet of net new non-residential square footage (SBMC § 28.87.300); and
- 3. A Recommendation to City Council for a Final Community Priority Designation of 3,565 square feet from the Community Priority Category for Offices (SBMC § 28.87.300).

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Guidelines Section 15301.

WHEREAS, the Planning Commission has held the required public hearing on the above application, and the Applicant was present.

WHEREAS, no one appeared to speak in favor of the application, and no one appeared to speak in opposition thereto, and the following exhibits were presented for the record:

- 1. Staff Report with Attachments, March 3, 2005
- 2. Site Plans

NOW, THEREFORE BE IT RESOLVED that the City Planning Commission:

I. Approved the subject application making the following findings and determinations:

A. PARKING MODIFICATION (SBMC 28.92.026.A.1):

The modification to provide 56 parking spaces instead of the required 64 parking spaces would be consistent with the purposes and intent of the Zoning Ordinance and would not cause an increase in the demand for parking space or loading space in the immediate area because:

- 1. The project is not anticipated to increase the number of clinic clients or to substantially increase the numbers of employees;
- 2. The project description and conditions of approval include a Transportation Demand Management Plan to further decrease parking demand on the site;
- 3. The project is located in close proximity to the downtown area and is within walking and cycling distance of residential neighborhoods, services and places of employment; and
- 4. A bus stop is within walking distance from the project site.

B. FOR COMMUNITY PRIORITY SQUARE FOOTAGE DESIGNATION

The Planning Commission is required to give a recommendation to the City Council for the project to receive the Community Priority square footage allocation under Measure E. Floor area for the Planned Parenthood administration building and clinic addition has been requested from the "Community Priority" General Plan category. Pursuant to SBMC §28.87.300B.2., to be a Community Priority, a project must be designated by City Council as necessary to meet a present or projected need directly related to public health, safety or general welfare. General welfare is defined as:

"A community priority project which has a broad public benefit (for example, museums, child care facilities, or community centers) and which are not principally operated for private profit."

- 1. The Community Priority designation was envisioned for use by only those projects that clearly provide a public benefit. An allocation of 300,000 square feet has been established in Charter Section 1508 for development under the Community Priority Category. Given the limited amount of floor area available for these projects, development proposed to be designated as a Community Priority should be reviewed carefully to determine whether it meets the criteria established above. To date, a total of 253,640 square feet have been allocated (both preliminary and final designations) out of the Community Priority Category, with 46,360 square feet still available.
- 2. The applicant provided a statement of need to the City Council identifying a need for the Planned Parenthood clinic and administration expansion project. On January 25, 2000, the City Council granted the project a preliminary designation of 3,565 square feet from the Community Priority Category. Planned Parenthood of Santa Barbara, Ventura, and San Luis Obispo Counties, Inc. (PPSBVSLO) is a

non-profit community health care agency founded in 1964, whose mission is "to actively promote family planning and responsible sexual behavior through provision of high-quality comprehensive medical, educational, counseling, and referral services," particularly to low-income clients.

- 3. PPSBVSLO currently operates four full time clinics and two satellite clinics in the tri-counties. All clinics depend upon a single Administration Department that is centrally located in the Santa Barbara clinic on Garden Street.
- 4. Following Planning Commission review, the project would return to City Council for consideration of a final designation as a Community Priority project. Staff supports the Community Priority designation for the Planned Parenthood clinic and administration expansion project because there is a clear need to continue to provide a community health care agency composed of high-quality comprehensive medical, educational, counseling, and referral services, particularly to low-income clients in the City and Tri-County area.

C. FOR THE DEVELOPMENT PLAN (SBMC §28.87.300)

1. The proposed development complies with all provisions of the Zoning Ordinance.

With approval of the parking modification, the proposed development complies with all provisions of the Zoning Ordinance and the proposed use conforms with the C-M, Commercial Manufacturing, zone designation.

2. The proposed development is consistent with the principles of sound community planning.

The project site is located in the Land Use Element's Lower East neighborhood, has a General Plan Designation of Industrial and a Zoning Designation of C-M, Commercial Manufacturing. The Lower East neighborhood is presently developed with a mix of residential, commercial, and industrial uses. The project site is currently used for clinic functions and the expansion is not anticipated to result in an intensification of use, but rather provide much needed space for the existing client base and numbers of employees. Thus, the proposed development would be consistent with the principles of sound community planning.

3. The proposed development will not have a significant adverse impact upon the neighborhood's aesthetics/character in that the size, bulk or scale of the development will be compatible with the neighborhood.

The administration building would be located internally in the block, adjacent to the clinic building, and would not be readily visible from a public view corridor. The project has been reviewed by the ABR; the board stated that the project is acceptable in terms of mass, bulk, and scale, meeting the design standards. In addition, the floor area of the third story is significantly less than the first two floors, providing architectural interest and relief of the mass. Staff and the ABR

requested that the applicant incorporate a trellis and other landscape features at the East Haley Street frontage to screen the parking lot and provide pedestrian interest. Additional architectural refinements will be incorporated when the project returns to the ABR for preliminary and final design review.

4. The proposed development would not a have a significant unmitigated adverse impact upon City and South Coast affordable housing stock.

The proposed project would result in demolition of a structure that was permitted for residential use. However, the residence has not been occupied as a residence for at least five years. The loss of one residential unit would not pose an adverse impact on the City and South Coast affordable housing stock. Also, the purpose of the expansion project is not intended to generate the need to hire additional employees, but rather provide additional work space for the existing employees, estimating an increase of 10 staff over the next 10 years.

5. The proposed development will not have a significant unmitigated adverse impact on the City's water resources.

The project would not result in a change in water use as the development does not include additional employees or an increase in medical services provided to the community. Planned Parenthood has projected that the numbers of employees would increase gradually, the maximum growth to be 10 employees over the course of 10 years; therefore the minor increase in water demand associated with the proposed project would not significantly impact the City's water resources. There is adequate water to meet the needs of the proposed development.

6. The proposed development will not have a significant unmitigated adverse impact on the City's traffic.

Transportation Staff has reviewed the project and determined that the project, including Transportation Demand Measures, its location near Downtown services, and proximity to transit corridors, would not result in significant project or cumulative impacts to any impacted intersection.

- II. Said approval is subject to the following conditions:
 - A. Recorded Agreement. Prior to the issuance of any Public Works permit or Building permit for the project on the Real Property, the following conditions shall be imposed on the use, possession and enjoyment of the Real Property and shall be documented in a written instrument which shall be reviewed and approved as to form and content by the City Attorney, Community Development Director and/or Public Works Director, which shall be recorded in the Office of the County Recorder:
 - 1. Uninterrupted Water Flow. The Owner shall provide for the uninterrupted flow of water through the Real Property including, but not limited to, swales, natural water courses, conduits and any access road, as appropriate. The Owner is

- responsible for the adequacy of any drainage facilities and for the continued maintenance thereof in a manner that will preclude any hazard to life, health or damage to the Real Property or any adjoining property.
- 2. Landscape Plan Compliance. The Owner shall comply with the Landscape Plan as approved by the Architectural Board of Review (ABR). Such plan shall not be modified unless prior written approval is obtained from the ABR. The landscaping on the Real Property shall be provided and maintained in accordance with said landscape plan.
- 3. Recreational Vehicle Storage Prohibition. No recreational vehicles, boats or trailers shall be stored on the Real Property.
- 4. **Allowed Development.** The development of the Real Property approved by the Planning Commission on March 10, 2005 is limited to the following: a two-story 11,417 square foot clinic building attached to a three-story 6,417 square foot administration building, 56 parking spaces, and the improvements shown on the site and elevation plans signed by the chairman of the Planning Commission on said date and on file at the City of Santa Barbara.
- 5. Parking Demand Study. The parking modification granted for this project is based on the information provided in the Traffic and Parking Study prepared by ATE, dated January 31, 2005, which identifies a parking demand of no more that 57 parking spaces for the proposed future use of the real property. Prior to any sale of the real property, any lease of any portion of the real property to a third party or any change of use of any portion of the real property, Owner shall prepare a parking demand study of the proposed use of the real property and present the study to the Public Works Director. If the parking demand study indicates that the parking supply will not satisfy the proposed use, the Owner shall not proceed with the proposed sale, lease or change of use without obtaining a parking modification from the Planning Commission.
- 6. **Transportation Demand Management.** The following alternative mode incentives shall be required of any use of the real property. Such provisions shall be included in any future lease agreement for any portion of the real property as a required "Transportation Management Plan." In order to verify compliance with this requirement, Owner agrees to provide a valid executed copy of any lease for any portion of the real property upon demand of either the Community Development Director or Transportation Planning Manager.
 - a. Carpool Parking Spaces. A minimum of two preferential parking spaces for carpools shall be designated by "Carpool Parking Only" signs, which shall be increased by the number of active carpools. Planned Parenthood shall develop a database of staff interested in carpooling by residential location and work schedule to match potential carpool participants. This will be accomplished by creating a centralized carpooling office where the current and updated carpool information will be located. Carpool spaces will also be provided at a preferred

location close to the building for staff that participates in the carpool program.

- b. Bus Passes Provided/Bus routes and Schedules Posted. MTD bus passes shall be provided for the employees. Notice of MTD bus routes and schedules shall be placed and maintained up-to-date in a central (public) location accessible to employees.
- c. Shower and Locker Facilities. Male and female employees shower and locker facilities shall be provided and maintained in a restroom (the location is subject to the review and approval of the Transportation Planning Manager). The showers shall be available for use before and during work hours. Notice of these facilities shall be provided when employees are hired.
- d. **Bicycle Parking.** Twelve (12) of bicycle parking spaces shall be provided, including 6 covered spaces. Additional bike bollards shall be provided at both the Garden and Haley Street frontages.
- e. Guaranteed Ride Home. In the event of an emergency or work requirement which interferes with the normal transportation arrangement of any employee using mass transportation, a carpool, or a vanpool to get to work, the Owner or employer shall provide cab fare, a company car, or other means to guarantee a free ride home.
- 7. Storm Water Pollution Control Systems Maintenance. The Owner(s) shall maintain drainage system, storm drain water interceptor and other storm water pollution control devices in accordance with the Operations and Maintenance Procedure Plan approved by the City Land Development Engineer that will be kept in the Planning file.
- B. **Design Review.** The following are subject to the review and approval of Architectural Board of Review (ABR):
 - 1. **Lighting.** Exterior lighting, where provided, shall be consistent with the City's Lighting Ordinance. No floodlights shall be allowed. Exterior lighting shall be directed toward the ground.
 - 2. Screened Check Valve/Backflow. The check valve or anti-backflow devices for fire sprinkler (and irrigation) systems shall be provided in a location screened from public view or included in the exterior wall of the building.
 - 3. **Haley Street Frontage.** Additional architectural elements shall be provided at the Haley Street Frontage; for example, a trellis or pergola, a community bulletin board.
 - 4. Landscape Plan. The landscape plan shall include skyline trees in the new parking lot, street trees where appropriate, and shall enhance the area between the existing clinic and new administration buildings.
- C. Required Prior to Building Permit Issuance. The following shall be finalized and specified in written form and submitted with the application for a building permit:

- 1. Water Rights Assignment. Prior to the issuance of any Public Works permit or Building permit for the project on the Real Property, the Owner shall assign to the City of Santa Barbara the exclusive right to extract water from under the Real Property. This assignment of rights shall not include a right of surface entry from or on the real property. Said assignment and any related agreements are subject to the review and approval of the City Attorney and the City Public Works Director. Said agreement shall be recorded in the Office of the County Recorder.
- 2. Storm Drain Operation and Maintenance Plan Required. The Owner shall provide an Operations and Maintenance Procedure Plan (describing replacement schedules for pollution absorbing pillows, etc.) for the operation and use of the storm drain surface pollutant interceptors. The Plan shall be reviewed and approved by the Water Resources Specialist.
- 3. Garden and East Haley Street Public Improvements. The Owner shall submit plans for construction of improvements along the subject property road frontage on Garden and East Haley Streets. As determined by the Public Works Department, the improvements shall include City standard sidewalk, driveway apron modified to meet Title 24 requirements, curbs, gutters, crack seal to the centerline of the streets, underground service utilities, private fire water line, curb drain outlets, preserve and/or reset contractor stamp and/or survey monuments, pollution prevention interceptor device on private property at both parking areas on Garden and East Haley; Streets, and provide adequate positive drainage from site. The building plans shall be prepared by a registered civil engineer or licensed architect and reviewed by the City Engineer.
- 4. **Hydrology Calculations.** Submit to the Land Development Engineer final hydrology calculations justifying that the proposed and existing drainage conveyance system adequately conveys a 25-year storm event.
- 5. Archaeological Monitoring Contract. Owner shall contract with an archaeologist from the most current City Qualified Archaeologists List for monitoring during all ground disturbing activities associated with the project, including, but not limited to, grading, excavation, trenching vegetation or paving removal and ground clearance in the areas identified in the Phase 1 Archaeological Resources Report prepared for this site by Stone Archaeological Consulting,. The contract shall be subject to the review and approval of the Environmental Analyst.

The archaeologist's monitoring contract shall include the following provisions:

a. If cultural resources are encountered or suspected, work shall be halted or redirected immediately and the City Environmental Analyst shall be notified. The archaeologist shall assess the nature, extent and significance of any discoveries and develop appropriate management recommendations for archaeological resource treatment, which may include, but are not limited to, redirection of grading and/or excavation activities, consultation and/or

- monitoring with a Barbareño Chumash representative from the most current City Qualified Barbareño Chumash Site Monitors List, etc.
- b. If the discovery consists of possible human remains, the Santa Barbara County Coroner shall be contacted immediately. If the Coroner determines that the remains are Native American, the Coroner shall contact the California Native American Heritage Commission. A Barbareño Chumash representative from the most current City Qualified Barbareño Chumash Site Monitors List shall be retained to monitor all further subsurface disturbance in the area of the find. Work in the area may only proceed after the Environmental Analyst grants authorization.
- c. If the discovery consists of possible prehistoric or Native American artifacts or materials, a Barbareño Chumash representative from the most current City Qualified Barbareño Chumash Site Monitors List shall be retained to monitor all further subsurface disturbance in the area of the find. Work in the area may only proceed after the Environmental Analyst grants authorization.
- 6. Supplemental Phase 1 Archaeological Survey. A supplemental Phase 1 archaeological survey by the contracted archaeologist shall be completed after the existing structures and pavement within the proposed project area are removed. The survey shall be submitted for review and approval by the City's Environmental Analyst prior to the continuation of ground disturbing activities. If potentially intact prehistoric or historic cultural remains are identified during the supplemental Phase 1 survey, an Extended Phase 1 investigation (shovel test or backhoe trenching) shall be performed to identify the integrity and spatial extent of the cultural deposit.
- 7. Controlled Grading. Controlled grading, under the observation of the contracted archaeologist, shall be carried out after structural demolition and prior to overall project site grading. If potentially intact prehistoric or historic cultural remains are identified during the controlled grading, the grading shall be suspended and an Extended Phase 1 investigation (shovel test pits or backhoe trenching) shall be performed to identify the integrity and spatial extent of the cultural deposit. If the remains appear to be potentially significant, a Phase 2 significance assessment shall be performed, pursuant to the City's Master Environmental Assessment criteria, to determine any further treatments.
- 8. Neighborhood Notification Prior to Construction. At least twenty (20) days prior to commencement of construction, the contractor shall provide written notice to all property owners, businesses and residents within 450 feet of the project area. The notice shall contain a description of the project, the construction schedule, including days and hours of construction, the name and phone number of the Contractor(s), site rules and Conditions of Approval pertaining to construction activities and any additional information that will assist the Building Inspectors, Police Officers and the public in addressing problems that may arise during construction. The language

of the notice shall be reviewed and approved by the City Planning Division prior to being distributed.

- D. **Building Permit Plan Requirements.** The following requirements shall be incorporated into the construction plans submitted to the Building & Safety Division with applications for building permits. All of these construction requirements shall be carried out in the field and completed prior to the issuance of a Certificate of Occupancy:
 - 1. **Best Management Practices.** New residential, commercial, industrial, and transportation development projects, including redevelopment projects, shall address water quality through the use of best management practices (BMPs) as determined by the City. BMPs shall be applied in the following order of priority: site design, source control, and treatment control. Furthermore, projects shall seek to reduce post-development runoff volumes from pre-development volumes through such measures as infiltration, evapo-transpiration, and storage/reuse.
 - 2. **Demolition/Construction Materials Recycling.** Recycling and/or reuse of demolition/construction materials shall be carried out and containers shall be provided on site for that purpose in order to minimize construction-generated waste conveyed to the landfill.
 - 3. **Construction-Related Truck Trips.** Construction-related truck trips shall not be scheduled during peak hours (7:00 a.m. to 9:00 a.m. and 4:00 p.m. to 6:00 p.m.) to help reduce truck traffic on adjacent streets and roadways.
 - 4. **Haul Routes.** The haul route(s) for all construction-related trucks, three tons or more, entering or exiting the site, shall be approved by the Transportation Operations Manager.
 - 5. **Construction Hours.** Construction (including preparation for construction work) is prohibited before 8:00 a.m.* and after 5:00 p.m. Monday through Friday and all day on Saturdays, Sundays and holidays observed by the City of Santa Barbara as shown below:

New Year's Day Martin Luther King's Birthday Presidents' Day

Memorial Day
Independence Day

Labor Day

Thanksgiving Day

Following Thanksgiving Day

Christmas Day

January 1st**

3rd Monday in January 3rd Monday in February Last Monday in May

July 4th**

1st Monday in September 4th Thursday in November

Friday following Thanksgiving Day

December 25th**

^{*}Construction setup can occur between the hours of 7:00 a.m. and 8:00 a.m. Monday through Friday.

^{**}When a holiday falls on a Saturday or Sunday, the preceding Friday or

following Monday, respectively, shall be observed as a legal holiday.

If determined to be necessary due to construction techniques, night work or longer construction hours will be allowed, subject to review and approval by the Community Development Director or designee and prior notification of neighbors.

- 6. **Construction Parking/Storage.** Construction parking and storage shall be provided as follows:
 - a. During construction, free parking spaces for construction workers shall be provided on-site or off-site in a location subject to the approval of the Streets, Parking, and Transportation Operations Manager.
 - b. On-site or off-site storage shall be provided for construction materials and equipment.
 - c. Storage of construction materials within the public right-of-way is prohibited.
- 7. Water Sprinkling During Grading. During site grading and transportation of fill materials, regular water sprinkling shall occur using reclaimed water whenever the Public Works Director determines that it is reasonably available. During clearing, grading, earth moving or excavation, sufficient quantities of water, through use of either water trucks or sprinkler systems, shall be applied to prevent dust from leaving the site. Each day, after construction activities cease, the entire area of disturbed soil shall be sufficiently moistened to create a crust.

Throughout construction, water trucks or sprinkler systems shall also be used to keep all areas of vehicle movement damp enough to prevent dust raised from leaving the site. At a minimum, this will include wetting down such areas in the late morning and after work is completed for the day. Increased watering frequency will be required whenever the wind speed exceeds 15 mph.

- 8. **Covered Truck Loads.** Trucks transporting fill material to and from the site shall be covered from the point of origin.
- 9. **Expeditious Paving.** All roadways, driveways, sidewalks, etc., shall be paved as soon as possible. Additionally, building pads shall be laid as soon as possible after grading unless seeding or soil binders are used. Note that paving shall not begin until the supplemental archaeological survey is completed without discovering any archaeological resources or proper treatment of any discoveries has been completed.
- 10. **Construction Contact Sign.** Immediately after building permit issuance, signage shall be posted at the points of entry to the site that list the contractor(s) name, contractor(s) telephone number, work hours and site rules to assist Building Inspectors and Police Officers in the enforcement of the conditions of approval.

- 11. Construction Equipment Maintenance. All construction equipment, including trucks, shall be professionally maintained and fitted with standard manufacturers' muffler and silencing devices.
- 12. Conditions on Plans/Signatures. All Planning Commission Conditions of Approval shall be provided on a full size drawing sheet as part of the drawing sets. A statement shall also be placed on the above sheet as follows: The undersigned have read and understand the above conditions, and agree to abide by any and all conditions which is their usual and customary responsibility to perform, and which are within their authority to perform.

Signed:		
Property Owner		Date
Contractor	Date	License No.
Architect	Date	License No.
Engineer	Date	License No.

- H. **Prior to Certificate of Occupancy.** Prior to issuance of the Certificate of Occupancy, the Owner of the Real Property shall complete the following:
 - 1. **Repair Damaged Public Improvements.** Repair any damaged public improvements (curbs, gutters, sidewalks, etc.) subject to the review and approval of the Public Works Department. Where tree roots are the cause of the damage, the roots shall be pruned under the direction of a qualified Arborist.
 - 2. **Complete Public Improvements.** Public improvements, as shown in the improvement/building plans.
 - 3. **Cross Connection.** The Owner shall request a cross connection inspection by the Public Works Water Reclamation/Cross Connection Specialist.
 - 4. **Archaeological Monitoring Report.** A final report on the results of the archaeological monitoring shall be submitted to the Environmental Analyst

- within 180 days of completion of the monitoring and prior to the issuance of the Certificate of Occupancy (Final Inspection), whichever is earlier.
- 5. **New Construction Photographs.** Photographs of the new construction, taken from the same locations as those taken of the story poles prior to project approval, shall be taken, attached to 8 ½ x 11" boards and submitted to the Planning Division.
- I. Litigation Indemnification Agreement. In the event the Planning Commission approval of the Project is appealed to the City Council, Applicant/Owner hereby agrees to defend the City, its officers, employees, agents, consultants and independent contractors ("City's Agents") from any third party legal challenge to the City Council's denial of the appeal and approval of the Project, including, but not limited to, challenges filed pursuant to the California Environmental Quality Act (collectively "Claims"). Applicant/Owner further agrees to indemnify and hold harmless the City and the City's Agents from any award of attorney fees or court costs made in connection with any Claim.

Applicant/owner shall execute a written agreement, in a form approved by the City Attorney, evidencing the foregoing commitments of defense and indemnification within thirty (30) days of the City Council denial of the appeal and approval of the Project. These commitments of defense and indemnification are material conditions of the approval of the Project. If Applicant/Owner fails to execute the required defense and indemnification agreement within the time allotted, the Project approval shall become null and void absent subsequent acceptance of the agreement by the City, which acceptance shall be within the City's sole and absolute discretion. Nothing contained in this condition shall prevent the City or the City's Agents from independently defending any Claim. If the City or the City's Agents decide to independently defend a Claim, the City and the City's Agents shall bear their own attorney fees, expenses and costs of that independent defense.

NOTICE OF APPROVAL TIME LIMITS:

The development plan and modification approved, per SBMC Section 28.87.350, shall expire four (4) years from the date of approval unless:

- 1. A building or grading permit for the work authorized by the development plan is issued prior to the expiration date of the approval.
- 2. A time extension is granted by the Planning Commission for one (1) year prior to the expiration date of the approval, only if it is found that there is due diligence to implement and complete the proposed project.

This motion was passed and adopted on the 10th day of March, 2005 by the Planning Commission of the City of Santa Barbara, by the following vote:

AYES: 7 NOES: 0 ABSTAIN: 0 ABSENT: 0

I hereby certify that this Resolution correctly reflects the action taken by the City of Santa Barbara Planning Commission at its meeting of the above date.

Liz N. Ruiz Planning Commission Secretary

Date

THIS ACTION OF THE PLANNING COMMISSION CAN BE APPEALED TO THE CITY COUNCIL WITHIN TEN (10) DAYS AFTER THE DATE THE ACTION WAS TAKEN BY THE PLANNING COMMISSION.